

**Serial No.:** 76/568,026  
**Mark:** 365 EVERYDAY VALUE  
**Applicant:** Whole Foods Market IP, L.P.  
**Filing Date:** January 2, 2004

**DECLARATION**

I, Roberta Lang, declare that:

Submitted herewith is a specimen showing the mark as it is actually used in commerce in connection with the goods set forth in the above-referenced application. This specimen was in use in commerce prior to the expiration of the time allowed Applicant for filing a statement of use.

Having been duly warned that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any registration resulting therefrom, I further declare that I am authorized to execute this Declaration on behalf of the Applicant; that the facts set forth in this Declaration are true; that all statements made of my own knowledge are true; and that all statements made on information and belief are believed to be true.

Respectfully submitted,

**WHOLE FOODS MARKET IP, L.P.**

By: 

Name: Roberta Lang

Title: President

Date: JUNE 11, 2009